

UNITED STATES OF AMERICA,	)	CASE NO. 4:08CR3081
	)	
Plaintiff,	)	
	)	
v.	)	<b>MOTION TO SUPPRESS</b>
	)	<b>STATEMENTS AND REQUEST</b>
JESUS ALVAREZ,	)	<b>FOR EVIDENTIARY HEARING</b>
	)	<b>AND ORAL ARGUMENT</b>
Defendant.	)	

1. On March 7, 2008, Alvarez was interviewed at the Cheyenne County Sheriff's Office by NSP Inv. Eads and FBI SA O'Brien.

3. Alvarez's statements made to law enforcement were obtained while he was subjected to a custodial interrogation in violation of his rights under *Miranda v. Arizona*, 384

U.S. 436 (1966) and his Fifth Amendment privilege against self incrimination. Accordingly, all statements obtained pursuant to this illegal interrogation must be suppressed.

4. Accompanying this motion is a brief in support thereof.

5. Counsel requests an evidentiary hearing and estimates that approximately one-half day will be needed for this hearing. Alvarez further requests oral argument on this motion. Defense counsel notes, for scheduling purposes, that at least one of the officers is from western Nebraska.

WHEREFORE, based upon the above showing, all statements obtained as a result of the constitutionally invalid interrogation must be suppressed as evidence in the government's case in chief at trial.

Dated this 4<sup>th</sup> day of March, 2009.

JESUS ALVAREZ, Defendant,

By: */s/ John C. Vanderslice*

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#### **CERTIFICATE OF SERVICE**

Assistant Federal Public Defender John C. Vanderslice hereby certifies that the foregoing document was filed with the Clerk of the District Court using the ECM/ECF system, which sent notification of such filing to AUSA Steve Russell on this 4<sup>th</sup> day of March, 2009.

*/s/ John C. Vanderslice*  
John C. Vanderslice